



PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

FILED

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May 25, 2023

Agenda ID #21632
Ratesetting

TO PARTIES OF RECORD IN APPLICATION 20-11-001:

This is the proposed decision of Administrative Law Judge Thomas J. Glegola. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's June 29, 2023 Business Meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties to the proceeding may file comments on the proposed decision as provided in Rule 14.3 of the Commission's Rules of Practice and Procedure. Electronic copies of comments should also be sent to the Intervenor Compensation Program at icompcoordinator@cpuc.ca.gov.

/s/ MICHELLE COOKE

Michelle Cooke

Acting Chief Administrative Law Judge

MLC:jnf

Attachment

Decision **PROPOSED DECISION OF ALJ GLEGOLA** (Mailed 5/25/2023)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Joint Application of TracFone Wireless, Inc. (U4321C), América Móvil, S.A.B. de C.V. and Verizon Communications, Inc. for Approval of Transfer of Control over Tracfone Wireless, Inc.

Application 20-11-001

DECISION GRANTING COMPENSATION TO THE UTILITY REFORM NETWORK FOR SUBSTANTIAL CONTRIBUTION TO DECISION 21-11-030

Intervenor: The Utility Reform Network	For contribution to Decision (D.) 21-11-030
Claimed: \$500,179.90	Awarded: \$375,879.28
Assigned Commissioner: Alice Reynolds ¹	Assigned ALJ: Thomas J. Glegola

¹ This proceeding was reassigned to President Alice Reynolds on March 23, 2023.

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	In Decision 21-11-030 , the Commission granted the merger of TracFone and Verizon with conditions. The conditions mitigate potential harms to customers by: (1) requiring Verizon and TracFone to complete the migration of TracFone customers currently not using Verizon’s network within two years; (2) requiring Verizon and TracFone to offer current TracFone customers with incompatible handsets as a result of the acquisition a Verizon compatible handset or subscriber identification module card at no cost; (3) requiring Verizon or TracFone to offer California LifeLine service for 20 years following the close of the transaction; (4) requiring Verizon to offer California LifeLine plans, handsets, and devices in its stores; and (5) requiring Verizon and TracFone to achieve and maintain specific levels of California LifeLine customer enrollment.
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B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812²:

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	January 25, 2021	January 26, 2021
2. Other specified date for NOI:		
3. Date NOI filed:	February 25, 2021	Verified
4. Was the NOI timely filed?		Yes
Showing of eligible customer status (§ 1802(b) or eligible local government entity status (§§ 1802(d), 1802.4):		
5. Based on ALJ ruling issued in proceeding number:	R.19-01-011; R.20-08-021	Verified
6. Date of ALJ ruling:	July 26, 2019; December 11, 2020	Verified
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes

² All statutory references are to California Public Utilities Code unless indicated otherwise.

	Intervenor	CPUC Verification
Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):		
9. Based on ALJ ruling issued in proceeding number:	R.19-01-011; R.20-08-021	Verified
10. Date of ALJ ruling:	July 26, 2019; December 11, 2020	Verified
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.21-11-030	Verified
14. Date of issuance of Final Order or Decision:	November 19, 2021	Verified
15. File date of compensation request:	January 14, 2022	Verified
16. Was the request for compensation timely?		Yes

C. Additional Comments on Part I:

#	Intervenor’s Comment(s)	CPUC Discussion
B5, B6, B9, B10	California Public Utilities Code § 1804(b)(1) provides, “A finding of significant financial hardship shall create a rebuttable presumption of eligibility for compensation in another commission proceeding commencing within one year of the date of that finding.” This proceeding commenced in the window of time between the expiration on July 26, 2020, of TURN’s finding of significant financial hardship made by ALJ Ruling in R.19-01-011 on July 26, 2019, and the finding of significant financial hardship made by ALJ Ruling in R.20-08-021 on December 11, 2020. TURN accordingly refers the Commission to TURN’s annual showing of financial hardship presented in the NOI filed by TURN on July 9, 2020, in A.20-03-004, where no ruling has issued. This is the same showing that formed the basis for the financial hardship finding recently made in R.20-08-021. (<i>See Administrative Law Judge’s Ruling on The Utility Reform Network’s Showing of Significant Financial Hardship</i> , issued 12/11/20 in R.20-08-021, pp. 6-7.)	Noted

PART II: SUBSTANTIAL CONTRIBUTION

A. Did the Intervenor substantially contribute to the final decision (see § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059):

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>1. Standard of Review</p> <p>Joint Applicants argued that the Commission’s review of the proposed merger should be limited to Pub. Util. Code section 854(a) because sections 854 (b) and (c) do not apply. Applicants argued that the applicants did not meet the revenue threshold for a review under Pub. Util. Code section 854 (b) and (c). Specifically, Applicants claimed Verizon is a holding company with no revenues in California.</p> <p>TURN, with Center for Accessible Technology and The Greenlining Institute (collectively “Joint Consumers”), protested the application, in part, on the grounds of the applicable standard of review.</p> <p>Joint Consumers argued that the affiliates of holding companies are “key” to mergers and those affiliates’ revenues should count towards the revenue threshold triggering a Section 854 (b) and (c) review. In the alternative, TURN also argued that the Commission should review the merger under the public interest factors of sections 854 (b) and (c) because those factors serve as a framework for the Commission to conduct a review under section 854 (a).</p> <p>The Commission agreed with TURN</p>	<p>Application at pp. 2-3, 11-16; Decision 21-11-030 at fn. 10.</p> <p>Joint Consumer Protest at pp. 1-2; Decision 21-11-030 at fn. 10.</p> <p>Joint Consumer Protest at pp. 6-9, fn. 21; Decision 21-11-030 at p. 10 (stating “Cal Advocates and Joint Intervenors both assert that Pub. Util. Code §§854(b) or (c) apply. . .”).</p>	<p>Verified</p> <p>Verified</p> <p>Verified</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>et al. (and Cal Advocates) that the applicants’ affiliates were “key” to the merger and that those affiliates revenues should count towards the revenue threshold triggering a Section 854 (b) and (c) review. The Commission reviewed the merger under the applicable factors in Pub. Util. Code section 854 (a), (b), and (c).</p>	<p>Decision 21-11-030 at pp. 5-8, 9-11, COLs 1-2.</p>	<p>Verified</p>
<p>2. Public Interest Burden</p> <p>The Applicants urged the Commission to approve the merger as presented in the application.</p> <p>Joint Consumers argued that the Applicants failed to meet their burden of proving the proposed merger was in the public interest. Joint Consumers explained that the merger would harm competition and cause economic and service quality harms to LifeLine subscribers and other end users. Joint Consumers called for the Commission to not to approve the merger without “detailed mitigation measures with measurable performance metrics, and substantial penalties if the new company fails to meet those metrics.”</p> <p>The Commission agreed with Joint Consumers. As Joint Consumers (and Cal Advocates) advocated, the Commission stated, “[o]n balance, we conclude Joint Applicants have not met the burden of proving this proposed transaction is in the public interest.” The decision states, “both</p>	<p>Application at p. 6.</p> <p><i>See generally</i>, Joint Consumer Protest at pp. 9-28; Decision 21-11-030 at pp. 17-18 (stating “Both Joint Intervenors and Cal Advocates express concern over Verizon’s future conduct towards competitor MVNOs . . .”), and p. 21 (stating “While we may not find some of the arguments and analysis of this topic presented by intervenors to be persuasive, we note that Joint Applicants bear the burden of proving the transaction is not anticompetitive”), 32, 33(stating “Joint Intervenors identify several impacts on low-income customers that Joint Applicants do not address in a sufficient manner”).</p> <p>Decision 21-11-030 at pp. 32-33, FOF 25, COL 3; <i>See generally</i>, Decision 21-11-030 at pp. 38-43 (mitigation measures), 43-47 (enforcement); FOFs 26 (mitigation measures are necessary), 27 (fines are necessary to ensure enforcement); COLs 4 (conditions), 6 (enforcement), 7 (fines);</p>	<p>Verified</p> <p>Verified</p> <p>Verified</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>Cal Advocates and Joint Intervenors identify several impacts on low-income customers that Joint Applicants do not address in a sufficient manner.”</p> <p>As discussed in further detail below, the Commission adopted conditions to mitigate some of the harms of the merger identified specifically by Joint Consumers, including penalties for failing to meet those mitigation measures.</p>	<p>Appendix A (enforcement program).</p>	
<p>3. LifeLine - Commitment</p> <p>LifeLine subscribers are some of California’s most financially vulnerable residents and would be impacted by the proposed merger. TURN highlighted Verizon’s lack of any commitment to meaningfully offer LifeLine services post-merger and Verizon’s history of not meaningfully participating in Lifeline in California and in other states. Throughout the proceeding, TURN noted the various caveats Verizon placed on its “commitment” to offer LifeLine after the merger.</p>	<p>Joint Consumer Protest at pp. 22-24; Joint Intervenor Opening Brief at pp. 10-16 (no meaningful commitment), 16-22 (Verizon does not have a history of meaningful commitment to LifeLine), 22-25 (no meaningful commitment to expand LifeLine service or refrain from adding additional subscriber charges); TURN and CforAT Reply Comments the PD at pp. 2-3;</p> <p><i>See generally, Exh. TURN-01-C (Mailloux Intervenor Testimony); Decision 21-11-030 at p. 28 (stating “Joint Intervenors assert that the Commission must consider Verizon’s commitment to the LifeLine program as a critical piece of its public interest analysis in considering the proposed transaction”), 28-29 (noting Joint Consumer’s stated Verizon’s history with the California LifeLine, the federal Lifeline, and the similar programs in state and out of state raise red flags), 30-31, 35-36 (relying on Verizon’s current and past participation in LifeLine to warrant mitigation measures).</i></p>	<p>Verified</p> <p>Verified</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>The Commission agreed with TURN and found that “Joint Applicants do not offer a long-term guarantee of TracFone’s continued participation in the California LifeLine Program.”</p> <p>TURN advocated for the Commission to adopt mitigation conditions that would require the post-merger company to meaningfully participate and offer California LifeLine services throughout California. The Commission agreed and adopted merger mitigation measures that require the Joint Applicants to participate in California LifeLine for 20 years, require Verizon to offer 5G devices to LifeLine subscribers, and meet subscribership count minimums.</p>	<p>Decision 21-11-030 at p. 23 (citing Joint Intervenor Reply Brief at p. 44)(stating “Joint Intervenors also argue that with the loss of a standalone TracFone, a pioneer in the provision of low-cost services and LifeLine, the proposed transaction promises to reduce innovation”), 34, FOF 17.</p> <p>Joint Consumers Protest at p. 24 (need concrete plan); Joint Intervenors Opening Brief, Summary of Mitigation Measures, pp. 25-26 (no additional costs to subscribers), 26-33 (maintain same or better offerings); Joint Intervenors Reply Brief at pp. 52 (maintain same or better offering), 53-55 (subscribership counts); TURN and CforAT Reply Comments on the PD at pp. 1-3. Decision 21-11-030 at p. 25, 35-36 (relying on TURN’s arguments), 38 (stating “We agree with Joint Intervenors recommendations...”), OP 2 (20-year commitment), OP 3 (subscribership counts).</p>	<p>Verified</p> <p>Verified</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>4. LifeLine – Copays</p> <p>In response to TURN’s intervenor testimony, Joint Applicants modified their initial commitment to offer LifeLine after the merger. In rebuttal testimony, Verizon’s witness stated, “Verizon will commit not to add any additional co-pays to SafeLine’s existing LifeLine plans for two years” but qualified this commitment on whether “the terms of the LifeLine program (such as the subsidy level and MSS) change.”</p> <p>In briefs, TURN argued that despite this modification, Verizon’s commitment was still not meaningful because the LifeLine program subsidy level and MSS are subject to change every year.</p> <p>TURN called for the Commission to require the new merged company not to add any new co-pays, and to freeze existing co-pays, for two years.</p> <p>The Commission agreed with TURN and adopted merger mitigation measures that prohibit the Joint Applicants from adding subscriber costs to LifeLine offerings for 3 years.</p>	<p>Exh. VZ-05 (Verizon Rebuttal Testimony) at pp 1-2;</p> <p><i>See generally</i>, Exh. TURN-01-C (Mailloux Intervenor Testimony, Protest at pp. 22-24); Decision 21-11-030 at p. 48 (quoting Verizon letter that stated “Verizon largely adopted TURN’s recommendations”).</p> <p>Joint Intervenors Opening Brief at pp. 22-25; Joint Intervenors Reply Brief at pp. 9-10.</p> <p>Joint Intervenors Opening Brief, Summary of Mitigation Measures, pp. 25-26; Reply Brief at p. 52.</p> <p>Decision 21-11-030 at p. 43, OP 4.</p>	<p>Verified</p> <p>Verified</p>

<p>5. LifeLine – Marketing</p> <p>In response to TURN’s intervenor testimony, Joint Applicants modified their initial commitment to market the post-merger company’s LifeLine offerings. In rebuttal testimony, Verizon’s witness stated, “Verizon will commit for three years after the Transaction closes to spend \$1,000,000 per year for the purposes of marketing LifeLine, providing outreach on LifeLine, and enrolling eligible customers in LifeLine” and to work with grassroots distribution efforts and in some TracFone retail stores.</p> <p>In briefs, TURN argued that Verizon’s commitment was still not meaningful because it did not reflect a long-term investment to expand TracFone’s current grassroots marketing efforts, expand mass marketing, and expand access to LifeLine throughout Verizon’s retail stores and in accessible formats.</p> <p>TURN called for the Commission to require the new merged company to advertise and enroll LifeLine subscribers at all Verizon and TracFone stores, and that 10% of all new stores must be in low-income areas.</p> <p>The Commission agreed with TURN and adopted merger mitigation measures that require the Joint Applicants to market LifeLine offerings and enroll subscribers in all retail stores where Verizon or TracFone have a 10% share, and to</p>	<p>Exh. VZ-05 (Verizon Rebuttal Testimony) at pp. 1-2; See generally, Exh. TURN-01-C (Mailloux Intervenor Testimony, Protest at pp. 22-24).</p> <p>Joint Intervenors Opening Brief at pp. 37-38; Joint Intervenors Reply Brief at pp. 10-11.</p> <p>Joint Intervenors Opening Brief, Summary of Mitigation Measures, pp. 25-40; Joint Intervenors Reply Brief at p. 63.</p> <p>Decision 21-11-030 at p. 41-43, 50 (stating “In response to comments from Joint Intervenors, we revise Ordering Paragraph 6...”), OPs 5-6.</p>	<p>Verified</p> <p>Verified</p> <p>Verified</p> <p>Verified</p>
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Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
use grassroots efforts to market in ESJ communities.		
<p data-bbox="201 457 574 527">6. Transition – Consumer Education</p> <p data-bbox="201 548 688 982">Joint Applicants provided unclear details about the number of TracFone customers served by networks other than Verizon, which would consequently require a change in network providers to remain with their TracFone service after the merger. Given the change, TURN took the position that Joint Applicants’ proposal lacked enhanced customer service during the transition to assist with inquiries.</p> <p data-bbox="201 1058 688 1381">TURN argued that Joint Applicant’s proposed outreach plan for the transition targeted only a subset of affected TracFone customers. TURN argued that there was a substantial number of current TracFone LifeLine customers that will need to migrate from other network providers to the Verizon network.</p> <p data-bbox="201 1423 688 1675">Moreover, TURN argued that Joint Applicants provided insufficient details about their proposed plans to communicate with TracFone customers, including the languages for the communication to this diverse set of customers.</p> <p data-bbox="201 1751 688 1892">TURN advocated for a detailed list of mitigation measures, including a necessary transition plan with adequate customer resources to</p>	<p data-bbox="712 548 1273 982">Joint Consumer Protest at pp. 15, 17; Decision 21-11-030 at p. 26 (stating “Joint Intervenor’s assert Verizon’s transition plan to bring TracFone customers onto the Verizon network from other non-Verizon facilities-based networks is vague and insufficient to ensure that these TracFone customer—including the majority of TracFone’s LifeLine customers—will not lose service, incur additional costs [...], or be forced to switch to plans that are more expensive or do not meet their needs”).</p> <p data-bbox="712 1058 1256 1129">Joint Intervenor’s Opening Brief at pp. 53, 65.</p> <p data-bbox="712 1423 1256 1495">Joint Intervenor’s Opening Brief at pp. 60-61.</p> <p data-bbox="712 1751 1256 1856">Joint Intervenor’s Opening Brief at p. 70; Joint Intervenor’s Reply Brief at pp. 31-32, 54-57.</p>	<p data-bbox="1310 548 1430 579">Verified</p> <p data-bbox="1310 1461 1430 1493">Verified</p> <p data-bbox="1310 1751 1430 1782">Verified</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>support affected TracFone customers. TURN argued that Joint Applicants’ opening briefs provided insufficient and meaningful details about their migration plan and reiterated TURN’s recommended migration measures to protect TracFone customers during the transition.</p> <p>The Commission agreed that the Joint Applicants did not provide a complete migration plan and was concerned with the number of affected customers. The Commission stated that Verizon had not shown a commitment to staff and to provide resources required to carry out the migration, and therefore adopted a migration plan with mitigating conditions. The Commission adopted some of TURN’s clarifications to the Decision’s migration reporting and timing ordering paragraphs, including suggestions to report the number of LifeLine, non-LifeLine, and non-English speaking customers that seek assistance.</p>	<p>Decision 21-11-030 at pp. 37-38, OP 8; TURN and CforAT Opening Comments on the PD at pp. 10-12, Appendix A.</p>	<p>Verified</p>
<p>The Commission also adopted some of TURN’s requests for Joint Applicants to communicate with TracFone customers about the transition through their websites. The Commission further adopted TURN’s suggestions to require Joint Applicants to provide TracFone customers with necessary information about the need for and eligibility to receive a SIM card or handset at no cost, in the customer’s preferred language.</p>	<p>Decision 21-11-030 at p. 50 (stating “In response to comments from Joint Intervenor, Ordering Paragraph 8(b) is revised...”), OP 8; TURN and CforAT Opening Comments on the PD at Appendix A.</p>	<p>Verified</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>7. Transition – Devices</p> <p>Joint Applicants provided insufficient information about their plans to mitigate the possibility for TracFone customers to experience a diminution or loss of service. Joint Applicants similarly provided insufficient information about TracFone customers’ ability to obtain newer phone technology.</p> <p>TURN argued that a substantial number of TracFone’s LifeLine customers would need to migrate from their current network to the Verizon network. TURN argued that the TracFone customers with devices not compatible with the Verizon network would need a new device and Verizon had not committed to offering a free device to these customers. TURN also detailed different needs for migrating TracFone customers. Therefore, TURN argued for needed mitigation measures, such as free devices for TracFone LifeLine and prepaid customers.</p> <p>The Commission stated, “we find that the intervenors in this proceeding effectively and persuasively distinguish between Joint Applicants’ statement” and “make a valid argument that access to Verizon’s network is not necessarily a merger specific benefit....” The Commission agreed that Joint Applicants should offer a free device and that the customer may request a different model.</p>	<p>Joint Consumers Protest at pp. 17-19; Decision 21-11-030 at pp. 24-25 (stating “...both Cal Advocates and Joint Intervenor ... assert Joint Applicants have not demonstrated that the proposed transaction will result in TracFone customers having access to these more advanced products . . .”).</p> <p>Joint Intervenor Opening Brief at pp. 61, 65-66 (citing Exh. TURN-01-R (Mailloux Intervenor Testimony) at p.14:6-11, footnotes 42-43), 70; Joint Intervenor Reply Brief at pp. 32-40.</p> <p>Decision 21-11-030 at p. 33-34, OP 8; TURN and CforAT Opening Comments on the PD at pp. 9-13, Appendix A; TURN and CforAT Reply Comments on the PD at pp. 3-4.</p>	<p>Verified</p> <p>Verified</p> <p>Verified</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>Also, TURN argued that a subset of TracFone customers with self-purchased phones would require phone unlocking permissions to move to the Verizon network and that this requirement could generate out-of-pocket expenses for these migrating customers. TURN, therefore, advocated for free devices and no unlocking fees as mitigation measures for migrating customers.</p> <p>The Commission agreed and adopted a requirement for Joint Applicants to grant the necessary permissions for customers to port their phone number to another provider and to waive transfer costs.</p>	<p>Joint Intervenors Opening Brief at pp. 63-64; Joint Intervenors Reply Brief at pp. 40-44, 56-57.</p> <p>Decision 21-11-030 at p. 41, 50 (stating “In response to comments of Joint Intervenors, this decision is revised to include 2 new Ordering Paragraphs...”), OP 8.</p>	<p>Verified</p> <p>Verified</p>
<p>8. Enforcement</p>	<p><i>See, e.g.,</i> Protest at p. 28.</p>	<p>Noted</p>

Intervenor’s Claimed Contribution(s)	Specific References to Intervenor’s Claimed Contribution(s)	CPUC Discussion
<p>Throughout the proceeding, TURN urged the Commission to recognize the potential significant impacts of the proposed merger on some of California’s most financially vulnerable residents. Therefore, TURN advocated that “take care to craft detailed mitigation measures with measurable performance metrics, and substantial penalties if the new company fails to meet those metrics.”</p> <p>TURN noted that the Joint Applicants statements of intent “do not create concrete and enforceable commitments.” TURN supported the enforcement mechanisms as described in the Proposed Decision and encouraged the Commission to reject Applicants’ requests to omit penalties for noncompliance.</p> <p>Consistent with TURN’s recommendation, the Commission found that “[g]iven the severity of the impact of a violation, coupled with Verizon’s ability to pay even a very large fine, [the Commission] find[s] the fines [it] include[s] in this mitigation enforcement program to be reasonable.”</p> <p>The Commission also adopted the Proposed Decision’s mitigation enforcement program to impose citations and fines to enforce the merger’s mitigation measures, as TURN had urged.</p>	<p><i>See e.g., Joint Intervenors Opening Brief at pp. 10-11, 14-15, 18, 21, 64, 66, 70, 80; Joint Intervenors Reply Brief at p. 64; TURN and CforAT Opening Comment on the PD at p. 1; TURN and CforAT Reply Comments on the PD at p. 4.)</i></p> <p>Decision 21-11-030 at p. 47.</p> <p>Decision 21-11-030 at OP 10, Appendix A.</p>	<p>Verified</p> <p>Verified</p> <p>Verified</p>

B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor’s Assertion	CPUC Discussion
a. Was the Public Advocate’s Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?	Yes	Yes
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Yes
c. If so, provide name of other parties: Center for Accessible Technology (CforAT) and The Greenlining Institute (collectively with TURN, “Joint Consumers”); and Public Knowledge (PK), Communications Workers of America (CWA), Benton Institute for Broadband & Society, California Center for Rural Policy, Open Technology Institute at New America, Next Century Cities, Tribal Digital Networks, Access Humboldt.		Noted
d. Intervenor’s claim of non-duplication: This compensation request covers work that had implications and significant impacts on some of California’s most vulnerable consumers, including during the on-going coronavirus pandemic. The Commission should find that TURN efficiently coordinated with all intervenors with similar interests wherever possible, avoiding undue duplication as explained below. TURN and the other intervenors engaged in extensive coordination and division of labor that allowed each organization to effectively address most, if not all, consumer impacting issues, proffer testimony, participate in evidentiary hearings, and file pleadings at almost every opportunity. TURN submits that its combined efforts with Joint Consumers resulted in a net savings of resources for each organization compared to if each organization tried to tackle the same issues alone. Joint Consumers. TURN’s participation in the Joint Consumers coalition, with the Center for Accessible Technology (CforAT) and The Greenlining Institute, allowed TURN to maximize its substantial contributions in the proceeding and avoid duplication of effort. After the proceeding began, The Greenlining Institute was no longer an active participant in the proceeding. However, TURN continued to coordinate its efforts closely with CforAT. TURN, with Joint Consumers or with CforAT, proffered testimony, participated in evidentiary hearings, and filed pleadings at almost every opportunity. Joint Intervenors. Like TURN’s coordinated efforts with CforAT and with Joint Consumers, TURN worked closely with the group of other intervenors. For		Noted

	Intervenor’s Assertion	CPUC Discussion
<p>example, TURN, CforAT, Public Knowledge, and Communications Workers of America filed joint briefs as the “Joint Intervenors.”</p> <p>As TURN’s time records reflect, most filings were a collaborative effort with coordination amongst the Joint Consumers and Joint Intervenors to ensure there was no significant duplication of effort. As early as practicable in the process, the coalitions discussed and assigned different issues to each organization where possible, split up the drafting and research efforts, and assigned one organization to coordinate the work effort. TURN often took the lead amongst the Joint Consumers and Joint Intervenors to coordinate and assign work tasks, draft, and edit pleadings, proffer testimony, and cross witnesses. For example, in the joint opening brief filed by TURN, CforAT, PK, and CWA, TURN took the lead on drafting the sections on LifeLine and customer migration, while CforAT took the lead on jurisdiction and burden of proof, and PK and CWA provided valuable input on discrete issues. TURN also took the lead to host and organize periodic coordinating meetings for all intervenors to discuss and the concurrent federal and state advocacy efforts to inform our strategy in this proceeding.</p> <p>Cal Advocates. TURN also coordinated with Cal Advocates on some issues, including discussion of potential significant customer-harms from the merger and appropriate mitigation measures. As TURN’s time record reflects, TURN worked closely with Cal Advocates especially for ex parte meetings following evidentiary hearings and issuance of the proposed decision. However, TURN and Cal Advocates did not always adopt the same position on the same issue. For example, TURN advocated for Verizon stores to advertise and enroll customers in TracFone’s LifeLine plans. (<i>See, e.g.,</i> Joint Intervenor Opening Brief at pp. 38-40). Cal Advocates did not advocate on this issue.</p> <p>The Commission should find that TURN efficiently coordinated with the other intervenors and Cal Advocates wherever possible, avoiding undue duplication and ensuring any duplication served to supplement, complement, or contribute to TURN’s showing and the showing of the other intervenors. And consistent with such a finding, the Commission should determine that all of TURN’s work is compensable consistent with the conditions set forth in Section 1802.5.</p>		

PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§ 1801 and § 1806):

	CPUC Discussion
<p>a. Intervenor’s claim of cost reasonableness:</p> <p>TURN’s request for intervenor compensation seeks an award of approximately \$500,179.90 as the reasonable cost of our participation in the proceeding. Considering the scope and quality of TURN’s work, and the breadth and depth of benefits achieved through TURN’s participation in the proceeding, the Commission should have little trouble concluding that the amount requested is reasonable.</p> <p>The Commission’s review of this merger has implications for service to some of California’s most vulnerable residents. The companies involved included TracFone, which has a long and strong history of serving low-income consumers, and Verizon which does not. TURN’s advocacy focused on mitigating some of the most significant harms of the merger, mitigations which the Commission directly relies upon to protect and promote the interests of LifeLine subscribers and other low-income Californians.</p> <p>As is often the case for telecommunications proceedings in recent years, it is more difficult to quantify the dollar impacts of TURN’s work here than is the case in Commission proceedings addressing rates. Here, TURN’s advocacy helped achieve benefits that were clear and substantial, though hard to quantify. As discussed above, TURN’s efforts resulted in important consumer protections for LifeLine customers and other low-income customers, intended to ensure that Verizon and TracFone meaningfully participate in the California LifeLine program after the merger – and that LifeLine customers will not pay additional fees or be required to purchase new devices for network access. All of these protections—access to the LifeLine discount, avoided LifeLine access fees, and no-cost devices—will provide direct financial benefits to low-income customers. Similarly, the monitoring and strong enforcement measures adopted by the Commission should help to ensure the companies’ compliance with the merger requirements, and thus increase the likelihood that the intended public benefits will be realized. TURN submits that such outcomes demonstrate benefits to LifeLine subscribers and other low-income Californians that, though difficult to quantify, more than support a compensation award in the amount requested here.</p> <p>Therefore, TURN urges the Commission to find that TURN’s participation costs are reasonable considering the significant consumer benefits from a robust, comprehensive, and efficient public interest mitigation measures to protect LifeLine and low-income customers from the potential harms from this merger.</p>	<p>Noted</p>

	CPUC Discussion
<p>b. Reasonableness of hours claimed:</p> <p>TURN seeks compensation for approximately 470 hours that Ashley L. Salas devoted to substantive issues in this merger proceeding. Ms. Salas was TURN's lead attorney on LifeLine issues for this current merger. She identified the merger's likely harms to LifeLine customers and researched both companies' historic practices with regards to LifeLine and serving low-income customers. More, generally, Ms. Salas managed TURN's policy development and substantive drafting of TURN's filings and dedicated significant resources to supporting TURN's efforts in this proceeding. Ms. Salas participated in all aspects of the proceeding, including discovery, evidentiary hearings and filing briefs. She also closely monitored and coordinated TURN's efforts with various intervenor groups, including but not limited to, Center for Accessible Technology, Public Knowledge and Communications Workers of America.</p> <p>TURN seeks compensation for approximately 455 hours that Brenda D. Villanueva devoted to substantive issues in this merger proceeding. Mrs. Villanueva was TURN's lead attorney on migration issues for this merger. She identified the merger's likely harms to TracFone customers needing to migrate to service offered over Verizon's network. In this respect, she managed development and presentation of TURN's proposed mitigation measures. More generally, she dedicated significant resources to substantive drafting of TURN's filings in this proceeding. Mrs. Villanueva also dedicated resources to coordinating TURN's advocacy at the Commission with other intervenors' advocacy at the Federal Communications Commission, so as to most effectively advocate for TURN's positions in California.</p> <p>TURN seeks compensation for approximately 160 hours that Christine A. Mailloux devoted to this merger proceeding. Ms. Mailloux served as the managing attorney for this proceeding and was the witness who sponsored TURN's testimony on LifeLine issues. Having served as TURN's lead attorney on LifeLine issues for almost fifteen years, with familiarity of implementation issues and challenges addressed in previous Commission decisions, Ms. Mailloux relied on her intimate knowledge of the history and current issues with the LifeLine program and her experience to develop TURN's policies and positions and to inform the Joint Consumer coalition. Ms. Mailloux also proffered testimony regarding the merger's impacts on LifeLine, and cross-examined company witnesses during evidentiary hearings.</p> <p>Regina Costa is TURN's Telecommunications Policy Director. Ms. Costa dedicated only a few hours to help the other TURN advocates prepare for ex parte meetings with each of the Commissioners' offices.</p>	Noted

	CPUC Discussion
<p>TURN includes in this request 7.75 hours spent by TURN Legal Assistant Stephen Green in 2021 while assisting TURN’s attorneys in a paralegal capacity. As TURN’s timesheets reflect, Mr. Green assisted with preparation of TURN’s testimony and attachments, including the public and company-specific confidential versions.</p> <p><i>Coordination with Other Intervenors</i></p> <p>In addition to this proceeding at the Commission, a parallel proceeding was taking place with regards to the Federal Communication Commission’s review of the proposed merger. As discussed above, TURN worked closely with all of the intervenors that were active in this Commission’s proceeding. Because federal developments may influence or inform the work in this Commission’s proceeding, TURN invited all active intervenors in this proceeding to participate in joint meetings to discuss the progress of the California and federal proceedings. This includes a discussion about the companies’ positions at each stage of the Commission review process and the coordination of each of our organizations’ advocacy efforts at both commissions for the issues that were important for California. For example, Verizon reached an agreement with some of the federal intervenors to withdraw those federal intervenors’ opposition to the FCC review of the merger. Before this Commission, Verizon argued that its commitments at the federal level should be sufficient to meet this Commission’s public interest standards. TURN distinguished the federal public interest review from this Commission’s review and advocated for the Commission to continue its review especially since Verizon’s federal commitments contained significant caveats, were insufficient to protect low-income Californians from the merger’s harms, and any federal-only commitments may complicate enforcement by this Commission.</p> <p>This coordination of effort was necessary for TURN to keep apprised of the rapidly changing landscape, and multiple and competing iterations of the companies’ various commitments with regards to the merger. TURN submits that this coordination amongst all intervenors was necessary for TURN’s meaningful and comprehensive participation in this Commission’s proceeding.</p> <p><i>Meetings or Discussions Involving More Than One TURN Advocate</i></p> <p>A larger-than-usual percentage of hours and hourly entries reflect internal and external meetings involving two or more of TURN’s attorneys. In some past compensation decisions, the Commission has deemed such entries as reflecting internal duplication that is not eligible for an award of intervenor compensation. TURN emphasizes that, especially in a merger review investigation, such meetings among TURN’s attorneys are essential to the effective development</p>	

	CPUC Discussion
<p>and implementation of TURN’s strategy for the proceeding. None of the attendees are there in a duplicative role. Each advocate was an active participant, bringing her knowledge and expertise to bear on the discussions. As a result, TURN can identify issues and angles that would almost certainly never come to mind but for the complimentary strategy achievable in such settings.</p> <p>There were also meetings with other parties at which more than one attorney represented TURN on occasion. The Commission should understand that this is often essential in a complicated case such as this one, with discrete sets of issues, each of which was the responsibility of different attorneys. TURN’s requested hours do not include any for a TURN attorney where her presence at a meeting was not necessary to achieve the meeting’s purpose. TURN submits that such meetings can be part of an intervenor’s effective advocacy before the Commission, and that intervenor compensation can and should be awarded for the time of all participants in such meetings where, as here, each participant needed to be in the meeting to advance the intervenor’s advocacy efforts.</p> <p><u>Intervenor Compensation-Related Time</u></p> <p>TURN is requesting compensation for 25 hours devoted to compensation-related matters.</p> <p>TURN’s request for compensation for 25 hours for preparation of this claim is generally consistent with the number of hours found reasonable by the Commission in decisions addressing TURN’s intervenor compensation requests in prior merger-related proceedings. (<i>See</i> D.16-05-031 (Frontier Verizon Merger), awarding compensation for 22.75 hours for claim preparation; D.21-04-013 (Sprint T-Mobile Merger), awarding compensation for 18.75 hours for claim preparation). The higher number of hours included here reflects that fact that this is the first request for compensation that Mrs. Villanueva has worked on since joining TURN in 2020.</p>	

			CPUC Discussion
c. Allocation of hours by issue:			Noted
GP	General Preparation – Preparation necessary to meaningfully participate in the proceeding.	1.61%	
PRO	Protest – Work to protest joint application, including jurisdictional issues and the need for merger conditions.	8.95%	
DIS	Discovery – Work to draft and negotiate a non-disclosure agreement with the applicants, to obtain confidential versions of documents, and to issue and review discovery requests and responses.	8.33%	
PHC	Pre-Hearing Conference – Advocating for substantive issues and procedural elements of the proceeding, including meeting, and conferring on the proceeding schedule.	4.80%	
LL	LifeLine – Advocacy regarding TracFone and Verizon participation in federal and state Lifeline programs, testimony, and merger commitments	14.59%	
TRAN	Transition – Work spent on analysis and advocating for necessary consumer protections for any TracFone to Verizon network transitions, merger commitments	4.42%	
MIT	Mitigation – Work strategizing and ex parte meetings regarding necessary consumer protections and merger conditions to mitigate merger’s harms to public interest	8.40%	
HEAR	Hearing – Work spent on preparing for and participating in evidentiary hearings, including drafting testimony, possible settlement on some issues, stipulated facts, and resolving confidentiality issues regarding the evidentiary hearing transcript. TURN does not believe allocation of these entries is required, but if the Commission choose to allocate these entries to specific issues they would roughly break down as: LL-45%, TRAN-45%, MIT-10%	17.09%	
BRIE	Brief – Work on the legal briefs to advocate for merger-specific conditions, including motion to file	17.37%	

			CPUC Discussion
	under seal. TURN does not believe allocation of these entries is required, but if the Commission choose to allocate these entries to specific issues they would roughly break down as: LL-25%, TRAN-25%, MIT-50%		
PD	Proposed Decision – Work on the Proposed Decision, including jurisdictional issue. TURN does not believe allocation of these entries is required, but if the Commission choose to allocate these entries to specific issues they would roughly break down as: LL-35%, TRAN-35%, MIT-30%	5.92%	
COOR	Coordination Effort – Coordination efforts with other intervenor groups, including federal intervenor groups, to inform CPUC advocacy in response to multiple iterations of Verizon commitments at the federal level to the extent that the federal developments influenced the Commission’s review.	4.05%	
#	Combined Efforts – Time entries that cover substantial work that cannot easily be identified with a specific activity code. Those identified with “#” are generally associated with work spent on multiple, interrelated issues to create a record for this phase of the proceeding. TURN attempted to identify each entry with a specific code and therefore entries with a “#” are limited. TURN does not believe allocation of these entries is required, but if the Commission chooses to allocate these entries to specific issues they would roughly break down as: PRO-15%, DISC-15%, LL-20%, TRAN-20%, MIT-25%, COOR-5%	2.25%	
COMP	COMP – Work spent on compensation request related matters.	2.21%	
		100%	

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Ashley L. Salas, Staff Attorney	2020	40.00	\$255.00	D.20-12-040	\$10,200.00	40.00	\$255.00	\$10,200.00
Ashley L. Salas, Staff Attorney	2021	429.50	\$400.00	See comment 1.	\$171,800.00	429.50	\$400.00 [1]	\$171,800.00
Brenda D. Villanueva, Staff Attorney	2020	58.25	\$350.00	See comment 2.	\$20,387.50	58.25	\$350.00 [2]	\$20,387.50
Brenda D. Villanueva, Managing Attorney	2021	398.00	\$450.00	See comment 2.	\$179,100.00	134.00 [4]	\$410.00 [3]	\$54,940.00
Christine A. Mailloux Managing Attorney	2020	21.00	\$510.00	D.20-12-040	\$10,710.00	21.00	\$510.00	\$10,710.00
Christine A. Mailloux Managing Attorney	2021	136.75	\$700.00	See comment 3.	\$95,725.00	136.75	\$700.00 [5]	\$95,725.00
Regina Costa, Telecom Director	2021	7.5	\$600.00	See comment 4.	\$4,500.00	7.50	\$600.00 [6]	\$4,500.00
Subtotal: \$492,422.50						Subtotal: \$368,262.50		
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Stephen Green, Legal Assistant	2021	15	\$130.00	See comment 5.	\$1,950.00	15.0	\$130.00 [7]	\$1,950.00
Subtotal: \$1,950.00						Subtotal: \$1,950.00		

CLAIMED						CPUC AWARD		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Ashley L. Salas, Staff Attorney	2021	10.25	\$200.00	Half of the 2021 requested rate	\$2,050.00	10.25	\$200.00	\$2,050.00
Ashley L. Salas, Staff Attorney	2022	3.50	\$200.00	See comment 6.	\$700.00	3.50	\$207.50 [8]	\$726.25
Brenda D. Villanueva, Managing Attorney	2021	3.50	\$225.00	Half of the 2021 requested rate	\$787.50	3.50	\$205.00 [3]	\$717.50
Brenda D. Villanueva, Managing Attorney	2022	7.75	\$225.00	See comment 6.	\$1,743.75	7.75	\$212.50 [9]	\$1,646.88
Subtotal: \$5,281.25						Subtotal: \$5,140.63		
COSTS								
#	Item	Detail			Amount	Amount		
1.	Lexis Nexis Research	Electronic research expenses relating to work on proceeding A.20-11-001 in 2020. See comment 7.			\$526.15	\$526.15		
Subtotal: \$526.15						Subtotal: \$526.15		
TOTAL REQUEST: \$500,179.90						TOTAL AWARD: \$375,879.28		
<p>*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors' records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer's normal hourly rate</p>								
ATTORNEY INFORMATION								
Attorney	Date Admitted to CA BAR ³		Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation				
Ashley L. Salas	December 2015		308374	No				
Brenda D. Villanueva	January 2021		334217	No				
Christine A. Mailloux	December 1993		167918	No				

³ This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch> .

C. Attachments Documenting Specific Claim and Comments on Part III:

Attachment or Comment #	Description/Comment
Comment 1	<p>2021 Hourly Rate for Ashley L. Salas</p> <p>TURN filed an intervenor compensation claim in A.20-05-010 on June 21, 2021, that included a request that the Commission adopt an hourly rate of \$400 for TURN Attorney Ashley Salas in 2021, based on the Market Rate Study and guidance adopted in Res. ALJ-393. The Commission has yet to act upon that intervenor compensation claim. Rather than repeat the same showing here for the requested hourly rate for Ms. Salas, TURN refers the Commission to the showing presented in A.20-05-010.</p>
Comment 2	<p>2021 Hourly Rate for Brenda D. Villanueva</p> <p>TURN filed an intervenor compensation claim in R.18-03-011 on May 14, 2021, that included a request that the Commission adopt an hourly rate of \$450 for TURN Attorney Brenda D. Villanueva in 2021, based on the Market Rate Study and guidance adopted in Res. ALJ-393. The Commission has yet to act upon that intervenor compensation claim. Rather than repeat the same showing here for the requested hourly rate for Mrs. Villanueva, TURN refers the Commission to the showing presented in R.18-03-011.</p> <p>2020 Hourly Rate for Brenda D. Villanueva</p> <p>This is TURN's first request for compensation that includes work performed by Brenda D. Villanueva, who joined TURN as a Staff Attorney in October 2020. The Commission has not previously adopted an authorized rate for Mrs. Villanueva. TURN is requesting a rate of \$350 for Mrs. Villanueva's work in 2020.</p> <p>Brenda D. Villanueva received her JD from the University of Maryland Francis King Carey School of Law in 2014. She has been a member of the Maryland Bar since December 2014 and was admitted to the California Bar in January 2021. She holds a BA in Political Science and Chicano/Latino Studies from the University of California, Irvine.</p> <p>Mrs. Villanueva gained experience with telecommunications policy issues before and during law school. Prior to law school, she held various roles in the Washington DC office for Congressman Joe Baca (California-43rd Congressional District). As a Legislative Assistant to Congressman Joe Baca, Mrs. Villanueva directed staff action for the Congressional Hispanic Caucus Corporate America and Telecom Task Force, which involved work related to the National Broadband Plan and the Comcast-NBCU merger. She also led congressional meetings for the Congressman with a wide variety of stakeholder groups about telecommunications policy issues, among other key topics. During law school,</p>

Attachment or Comment #	Description/Comment
	<p>she received a Google Policy Fellowship with placement at the National Hispanic Media Coalition, where she analyzed contemporary Supreme Court cases and Federal Communications Commission (FCC) actions. She then held three semester or summer long legal internships at the FCC, first in the Media Bureau-Policy Division, then in the Office of then-FCC Commissioner Jessica Rosenworcel, and finally in the Enforcement Bureau-Front Office.</p> <p>Upon graduation from law school in 2014, Mrs. Villanueva joined the FCC through the prestigious Attorney Honors Program. From September 2014 until September 2020, she served as an Attorney Advisor in the Public Safety and Homeland Security Bureau, Cybersecurity and Communications Reliability Division. While at the FCC, she managed a broad network reliability portfolio that included complex regulatory proceedings and enforcement matters involving wireline, wireless, submarine cable, cable, and satellite communications, and 911-related networks. She also conducted industry, government, and public safety stakeholder outreach on matters of law or FCC policy related to network outage reporting and other public safety elements. Mrs. Villanueva further served two years as a Deputy Designated Federal Officer (DFO) for the FCC's Advisory Committee on Diversity and Digital Empowerment where she advised the committee on administrative law and ethics matters and coordinated external stakeholder events and outreach. She received achievement awards from the FCC five years in a row, in 2016, 2017, 2018, 2019, and 2020.</p> <p>Mrs. Villanueva joined TURN as a Staff Attorney in October 2020, bringing with her six years of legal experience as a practicing attorney at the FCC, in addition to the telecom policy experience she gained through legal internships at the FCC, and during her nearly six years of working for the U.S. House of Representatives in Congressman Baca's office. In late 2021, Mrs. Villanueva assumed the role Managing Attorney for TURN's telecommunications work. Mrs. Villanueva's focus at TURN thus far includes active participation in several CPUC proceedings where she can bring to bear her FCC expertise including work on wireline resiliency rules, service quality, review of national mergers, and broadband policy and infrastructure deployment. She is the lead attorney in the Commission's open proceeding on ratesetting for incarcerated calling services which requires familiarity and understanding of complex federal jurisdiction and FCC rules on the subject matter. In each of these dockets she will draft and review TURN's pleadings, conduct discovery, research legal precedent, and coordinate TURN efforts with other allied intervenors. Mrs. Villanueva is an integral part of TURN's telecommunications team and their collaborative work developing case and legislative strategy, pursuing policy initiatives, and researching complex legal issues such as federal/state jurisdiction.</p> <p>In addition to her work at TURN, Mrs. Villanueva serves or previously served on</p>

Attachment or Comment #	Description/Comment
	<p>several related boards and committees, including the Board of Trustees of the Federal Communications Bar Association Foundation, the Southern California Chapter and the Privacy and Data Security Committee of the Federal Communications Bar Association, and the DC Metro Chapter of Latinas in Tech. She was also the founding chairwoman of the FCC - Latino Affinity Group, a chartered FCC employee resource group.</p> <p>TURN submits that a rate of \$350 for Mrs. Villanueva's work in late 2020 is reasonable, given her experience. The requested rate is just above the midpoint of the range adopted by the Commission in Resolution ALJ-387 for attorneys with 5-7 years of experience (\$330 - \$360). When this proceeding commenced, Mrs. Villanueva had been a licensed attorney for nearly 6 years, practicing exclusively in telecommunications regulation. She has additional years of directly relevant experience in telecommunications regulation and policy, acquired during her three legal internships at the FCC during law school and years working on telecommunications issues as a Legislative Analyst for the U.S. House of Representatives. Given her extensive subject matter expertise, extending well beyond her years as a practicing attorney, the Commission should find that a rate just above the midpoint for an attorney with 5-7 years of experience is reasonable. Accordingly, the Commission should adopt the requested rate of \$350 for Mrs. Villanueva's work in 2020.</p>
Comment 3	<p>2021 Hourly Rate for Christine Mailloux</p> <p>TURN filed an intervenor compensation claim in R.18-03-011 on May 14, 2021, that included a request that the Commission adopt an hourly rate of \$700 for TURN Managing Attorney Christine Mailloux in 2021, based on the Market Rate Study and guidance adopted in Res. ALJ-393. The Commission has yet to act upon that intervenor compensation claim. Rather than repeat the same showing here for the requested hourly rate for Ms. Mailloux, TURN refers the Commission to the showing presented in R.18-03-011.</p>
Comment 4	<p>2021 Hourly Rate for Regina Costa</p> <p>TURN filed an intervenor compensation claim in R.18-03-011 on May 14, 2021, that included a request that the Commission adopt an hourly rate of \$600 for Regina Costa in 2021, based on the Market Rate Study and guidance adopted in Res. ALJ-393. The Commission has yet to act upon that intervenor compensation claim. Rather than repeat the same showing here for the requested hourly rate for Ms. Costa, TURN refers the Commission to the showing presented in R.18-03-011.</p>

Attachment or Comment #	Description/Comment
Comment 5	<p>2021 Hourly Rate for Stephen Green</p> <p>TURN filed an intervenor compensation claim in R.11-11-007 on August 6, 2021, that included a request that the Commission adopt an hourly rate of \$130 for Mr. Green’s work in 2021, based on the Market Rate Study and guidance adopted in Res. ALJ-393. The Commission has yet to act upon that intervenor compensation claim. Rather than repeat the same showing here for the requested hourly rate for Mr. Green, TURN refers the Commission to the showing presented in R.11-11-007.</p>
Comment 6	<p>TURN incurred a discrete number of hours in 2022 solely related to the preparation of this request for compensation. TURN requests that the Commission apply the rates authorized for Ms. Salas and Mrs. Villanueva for 2021 to this limited time incurred in 2022. However, TURN reserves the right to seek adjusted rates for Ms. Salas and Mrs. Villanueva for their work in 2022 in other Commission proceedings, consistent with Res. ALJ-393.</p>
Comment 7	<p>Expenses: TURN incurred and seeks recovery of \$526.15 of computerized legal research costs associated with the preparation of its testimony and pleadings. TURN incurred these expenses in 2020, prior the Commission’s adoption of new hourly rates that generally incorporate routine overhead costs like these.</p>
Attachment 1	Certificate of Service
Attachment 2	Timesheet for TURN’s Advocates
Attachment 3	Expenses
Attachment 4	TURN Hours Allocated by Issue

D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1] Ashley Salas 2021 Hourly Rate	D.22-06-048 approved a 2021 rate of \$400.00 for Salas. We apply the same rate here.

Item	Reason
[2] Ashley Salas 2020 Hourly Rate	TURN requested a 2020 rate of \$350.00 for Ashley Salas. We have verified, having been accepted as a member of the Maryland Bar in 2014, that Ashley Salas has been a practicing attorney for 6 years. Per Resolution ALJ-387, the rate range for 5-7 years of experience is \$340.00 - \$360.00, putting Ashely Salas' experience at the median. We find the requested 2020 rate of \$350.00 reasonable and establish it here.
[3] Brenda Villanueva 2021 Hourly Rate	D.22-06-038 approved a 2021 rate of \$410.00 for Villanueva. We apply the same rate here.
[4] Brenda Villanueva 2021 Hours	Mrs. Villanueva's reported hours are excessive for an intervenor that was not an active participant in this proceeding. For example, Mrs. Villanueva attended, but did not participate in the pre-hearing conference, status conference, or evidentiary hearing, yet there is significant overlap in the number of hours of work charged by Ms. Salas and Mrs. Villanueva, to the point that Mrs. Villanueva's hours are only slightly less. Mrs. Villanueva's hours also are substantially more than Ms. Mailloux's hours, despite Ms. Mailloux being a more active participant, both as an expert witness and in conducting cross examination. Accordingly, we reduced Mrs. Villanueva's hours to one hour below that of Ms. Mailloux.
[5] Christine Mailloux 2021 Hourly Rate	D.22-05-026 approved a 2021 rate of \$700.00 for Mailloux. We apply the same rate here.
[6] Regina Costa 2021 Hourly Rate	D.22-05-026 approved a 2021 rate of \$600.00 for Costa. We apply the same rate here.
[7] Stephen Green 2021 Hourly Rate	D.22-05-026 approved a 2021 rate of \$130.00 for Green. We apply the same rate here.
[8] Ashley Salas 2022 Rate	TURN requested a 2022 rate of \$400.00 for Ashley Salas. Using our calculation methodology, based on the adopted 2021 rate of \$400.00, including the 2022 escalation of 3.31% from the Market Rate Study and rounding to the nearest \$5: $\$400 \times 1.0331 = \$413.24 = \sim \$415.00$ We find the 2022 rate of \$415.00 reasonable and adopt it here. Intervenor Compensation Preparation is ½ preparer's normal rate, bringing the rate to \$207.50.

Item	Reason
[9] Brenda Villanueva 2022 Rate	<p>TURN requested a 2022 rate of \$450.00 for Brenda Villanueva.</p> <p>Using our calculation methodology, based on the adopted 2021 rate of \$410.00, including the 2022 escalation of 3.31% from the Market Rate Study and rounding to the nearest \$5:</p> <p>$\\$410 \times 1.0331 = \\$423.57 = \sim \\425.00</p> <p>We find the 2022 rate of \$425.00 reasonable and adopt it here. Intervenor Compensation Preparation is ½ preparer’s normal rate, bringing the rate to \$212.50.</p>

PART IV: OPPOSITIONS AND COMMENTS
Within 30 days after service of this Claim, Commission Staff or any other party may file a response to the Claim (see § 1804(c))

A. Opposition: Did any party oppose the Claim?	Yes
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If so:

Party	Reason for Opposition	CPUC Discussion
Verizon Communications Inc. And Tracfone Wireless, Inc.	TURN’s claimed rates under the market rate study are excessive, unreasonable, and unjustified. Additionally, TURN should not rely simply on prior filings on the assumption that these market rates will be approved.	Previously adopted decisions verified the rates requested by TURN. In those decisions, reasonable rates were determined based on relevant experience and in accordance with Resolution ALJ-393. We note the implementation of the Market Rate Study could potentially increase rates from pre-2021, however, as noted in the Market Rate Study Final Report (here), pre-Market Rate Study “intervenor role definitions are broad...In total, the new structure includes seventy-nine unique intervenor roles.” The added granularity to the roles in the Market Rate Study caused rate ranges to change to effectively address the expertise variation associated with Intervenor. In some cases, the rates increased, while decreased in others.

Party	Reason for Opposition	CPUC Discussion
		<p>Due to the frequency of participation of TURN, the use of previously filed claims containing justification is reasonable and efficient, particularly if an Intervenor Compensation claim decision has been issued by the time the current claim is being processed.</p>
Verizon Communications Inc. And Tracfone Wireless, Inc.	<p>TURN has previously filed intervenor claims for work performed in 2021 (for example, in Proceedings R.18-03-011 and R.11-11-007) using the Market Rate Study as justification for these rate increases, but to date the Commission has yet to issue any rulings regarding TURN's claimed rates (and significant rate increases) for 2021.</p>	<p>Decision (D.) 22-06-038 in R.18-03-011 was issued and reflects the Commission determinations can differ from the requested rates. D.22-06-038 included detailed justifications for the award differences from the requested amounts. We note, as above, the Market Rate Study added granularity to participant roles that can cause rate increases from before the implementation of the Market Rate Study on January 1, 2021.</p>
The Utility Reform Network	<p>TURN's approach was consistent with the language in Resolution ALJ-393, the Commission does not rely on 2020 authorized rates to determine 2021 rates per Resolution ALJ-393 and TURN complied with the instructions with a showing of justification on a filed claim in an unrelated proceeding.</p>	<p>As noted above, Intervenor will utilize justifications from previously filed claims as a means of reasonable efficiency – a core requirement of the Intervenor Compensation program and found in the Intervenor Compensation Program guide at p. 21. We find TURN's request for Intervenor Compensation to be consistent with the practice established in Resolution ALJ-393 and we remind all parties, as found in the Resolution at p.4, "new 2021 rates are unrelated to 2020 and prior Commission approved rates...[ensuring] fair application</p>

Party	Reason for Opposition	CPUC Discussion
		of the implemented Market Rate Study...starting with IComp work completed in 2021.”

B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?	No
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If not:

Party	Comment	CPUC Discussion

FINDINGS OF FACT

1. The Utility Reform Network has made a substantial contribution to D.21-11-030.
2. The requested hourly rates for The Utility Reform Network’s representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$375,879.28.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. The Utility Reform Network is awarded \$375,879.28.
2. Within 30 days of the effective date of this decision, Verizon Communications, Inc. shall pay The Utility Reform Network the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial

paper as reported in Federal Reserve Statistical Release H.15, beginning March 30, 2022, the 75th day after the filing of The Utility Reform Network's request, and continuing until full payment is made.

3. The comment period for today's decision is not waived.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D2011030		
Proceeding(s):	A2011001		
Author:	ALJ Glegola		
Payer(s):	Verizon Communications, Inc.		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier ?	Reason Change/Disallowance
The Utility Reform Network	January 14, 2022	\$500,179.90	\$375,879.28	N/A	See Part III.D CPUC Comments, Disallowances and Adjustments

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Ashley	Salas	Attorney	\$255	2020	\$255.00
Ashley	Salas	Attorney	\$400	2021	\$400.00
Ashley	Salas	Attorney	\$400 (same as 2021)	2022	\$415.00
Brenda	Villanueva	Attorney	\$350	2020	\$350.00
Brenda	Villanueva	Attorney	\$450	2021	\$410.00
Brenda	Villanueva	Attorney	\$450 (same as 2021)	2022	\$425.00
Christine	Mailloux	Attorney	\$510	2020	\$510.00
Christine	Mailloux	Attorney	\$700	2021	\$700.00
Regina	Costa	Expert	\$600	2021	\$600.00
Stephen	Green	Advocate	\$130	2021	\$130.00

(END OF APPENDIX)